

ELLEN F. ROSENBLUM
Attorney General
DARSEE STALEY #873511
Senior Assistant Attorney General
NINA R. ENGLANDER #106119
Assistant Attorney General
Department of Justice
100 SW Market Street
Portland, OR 97201
Telephone: (971) 673-1880
Fax: (971) 673-5000
Email: Darssee.Staley@doj.state.or.us
Nina.Englander@doj.state.or.us

Attorneys for Defendants Oregon Department of Education, Colt Gill and Katherine Brown

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

J.N., et al.,

Plaintiffs,

v.

OREGON DEPARTMENT OF
EDUCATION, et al.,

Defendants.

Case No. 6:19-cv-00096-AA

DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR PARTIAL
SUMMARY JUDGMENT AND NOTICE OF
INTENT TO AMEND ANSWER

Defendants hereby notify the Court that they intend to file an Amended Answer removing the first, second and third affirmative defenses that are the subject of Plaintiffs' motion for partial summary judgment. Plaintiffs have consented in writing to the amendment. Defendants reserve the right to argue at summary judgment and/or trial that Plaintiffs' claims fail as a matter of law. In light of Plaintiffs' position that they are challenging only Defendants' blanket policies and practices which cannot be remedied through the administrative process, and that the claims do not challenge individualized decisions made by any school district with respect

to any Individualized Education Plan, Defendants are waiving any affirmative defenses related to exhaustion in this case.

DATED March 11, 2021.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Darsee Staley

DARSEE STALEY #873511
Senior Assistant Attorney General
NINA R. ENGLANDER #106119
Assistant Attorney General
Trial Attorneys
Tel (971) 673-1880
Fax (971) 673-5000
Darsee.Staley@doj.state.or.us
Nina.Englander@doj.state.or.us
Of Attorneys for Defendants